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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,612	09/04/2001	Ronald J. Boser		1322

7590 07/02/2009  
MYRON AMER P.C.  
Suite 2B  
350 National Boulevard  
Long Beach, NY 11561-3327

EXAMINER
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HALE, GLORIA M

ART UNIT	PAPER NUMBER
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07/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* RONADL J. BOSER

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Application No. 09/944,612  
Technology Center 3700

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Mailed: June 2, 2009

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Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*  
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 15, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

## EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on September 13, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

## CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) consider the Reply Brief filed September 13, 2007, as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWH/pgc

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